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GROSS MARGARET A
78 SEOUL 1053

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ACTION I-03

INFO OCT-01 EA-10 ISO-00 OPR-02 /016 W
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P 070851Z FEB 78

FM AMEMBASSY SEOUL

TO SECSTATE WASHDC PRIORITY 9174

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FOR ASSISTANT LEGAL ADVISER FOR TREATY AFFAIRS

E.O. 11652: N A

TAGS: PGOV, KS, US

SUBJ: COMPARISON OF TEXTS OF DOCUMENTS IN TONGSUN PARK
MATTER

REF: STATE 30319

1. EMBASSY IS AWARE OF THREE SETS OF DOCUMENTS SIGNED BY VARIOUS PARTIES INVOLVED IN TONGSUN PARK MATTER, AS FOLLOWS: A) JOINT STATEMENT OF DECEMBER 31, 1977; B) MUTUAL PROSECUTION ASSISTANCE AGREEMENT (MPAA), SIGNED JANUARY 10, 1978; AND C) MEMORANDUM OF UNDERSTANDING, SIGNED JANUARY 11, 1978.

2. AMERICAN EMPLOYEES AT EMBASSY QUALIFIED TO COMPARE TEXTS INCLUDE GUN AHN (FSR-3), CHIN MOON PAK (FSR-4), JIN AK KIM (FSR-6), AND DOUGLAS B. MCNEAL (FSO-5).

3. MCNEAL REVIEWED KOREAN AND ENGLISH VERSIONS OF FIRST TWO DOCUMENTS PRIOR TO SIGNING AND REPORTS THAT THEY ARE SUBSTANTIALLY IDENTICAL, WITH FOLLOWING VARIATIONS. IN PARAGRAPH FOUR (F) OF JOINT STATEMENT, THE KOREAN TEXT COULD BE READ AS "UNDER THESE ARRANGEMENTS, THEREFORE, HE MUST RETURN TO...", RATHER THAN "... IT IS EXPECTED THAT HE WOULD RETURN...". IN PARAGRAPH ELEVEN OF THE MPAA, THE KOREAN TEXT IN BOTH PLACES

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COULD BE READ AS "SHALL", INSTEAD OF "SHOULD". HOWEVER, IN SIGNING BOTH TEXTS, IT WAS AGREED THAT, IN CASE OF DISPUTE, THE ENGLISH TEXT WOULD GOVERN.

4. EMBASSY HAS AN ENGLISH TEXT OF DOCUMENT C) ABOVE (THE MOU) AND BELIEVES THAT NO KOREAN VERSION WAS PREPARED.

5. EMBASSY NOTES THAT OFFICERS NAMED IN PARA TWO ABOVE ARE ONLY LANGUAGE-QUALIFIED OFFICERS AVAILABLE, ALTHOUGH NOT MEETING ALL SPECIFICATIONS OF REFTEL.

SNEIDER

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REVIEWED BY BA Fleck DATE 2/12/80

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TS AUTH. _____ REASON(S) _____

ENDORSE EXISTING MARKINGS ☐

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